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Attorneys for DEFENDANTS  
TRANSTAR PROPERTIES, LLC  
AND JOSE MARIA OROZZO

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

RAUL URIARTE,

*Plaintiff,*

v.

TRANSTAR PROPERTIES, LLC,

*Defendant.*

Case No. 2:15-cv-01474-CBM-MAN

Hon. Consuelo B. Marshall

**DEFENDANTS' SEPARATE  
STATEMENT IN SUPPORT OF  
THEIR MOTION FOR  
SUMMARY ADJUDICATION**

Courtroom: 2 (Spring)

Hearing: Tuesday, Oct. 20, 2015

Time: 10:00 a.m.

**Trial: May 3, 2016**

**TO PLAINTIFF AND HIS RESPECTIVE COUNSEL OF RECORD:**

DEFENDANTS TRANSTAR PROPERTIES, LLC AND JOSE MARIA OROZZO ("Defendants") herewith submit their Separate Statement of Material Facts and Contentions of Law in support of their Motion for Summary Adjudication.

**DEFENDANTS' STATEMENT OF UNDISPUTED FACTS**

<b>DEFENDANTS' UNDISPUTED MATERIAL FACT</b>		<b>SUPPORTING EVIDENCE</b>
DF1	At no time prior to receipt of the complaint did Defendants receive any notice of any concerns from Plaintiff	Orrozco Decl., ¶3
DF2	ADA-compliant striping of the parking lot, including a handicap space, access aisle, and path of travel, exists at the restaurant.	Orrozco Decl., ¶4
DF3	Both the parking space and associated access aisle are 96" wide.	Orrozco Decl., ¶4; Exh. 1

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**DEFENDANTS' CONTENTIONS OF LAW**

<b>DEFENDANTS' CONTENTIONS OF LAW</b>		<b>SUPPORTING EVIDENCE</b>
DL1	The court must examine the evidence in the light most favorable to the non-moving party.	<i>United States v. Diebold, Inc.</i> , 369 U.S. 654, 655 (1962).
DL2	Any doubt as to the existence of any issue of material fact requires denial of the motion.	<i>Anderson v. Liberty Lobby, Inc.</i> , 477 U.S. 242, 255 (1986).
DL3	On a motion for summary judgment, when "the moving party bears the burden of proof at trial, it must come forward with evidence which would entitle it to a directed verdict if the evidence were uncontroverted at trial."	<i>Houghton v. South</i> , 965 F.2d 1532, 1536 (9th Cir. 1992) (quoting <i>International Shortstop, Inc. v. Rally's, Inc.</i> , 939 F.2d 1257, 1264-65 (5th Cir. 1991), cert. denied, 502 U.S. 1059, 112 S. Ct. 936, 117 L. Ed. 2d 107 (1992)).
DL4	Courts are required to examine <i>sua sponte</i> jurisdictional issues such as standing.	<i>BC by &amp; Through Powers v. Plumas Unified Sch. Dist.</i> , 192 F.3d 1260, 1264 (9th Cir. 1999).

Dated: September 21, 2015

LAW OFFICES OF STEPHEN ABRAHAM

By:

  
 Stephen E. Abraham  
 Attorneys for DEFENDANTS

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 1592 Pegasus Street, Newport Beach, California 92660.

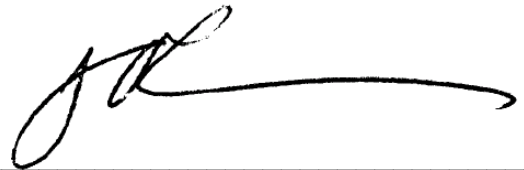
On September 21, 2015, I served the foregoing document described as: **DEFENDANTS' SEPARATE STATEMENT IN SUPPORT OF THEIR MOTION FOR SUMMARY ADJUDICATION** thereon on all interested parties in this action as follows:

Raymond G. Ballister	Representing Plaintiff
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☒ **e-Filing pursuant to Court order**

Executed on September 21, 2015, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



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